

DOCKET FILE
**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

ORIGINAL

RECEIVED

In the Matter of	)	EB Docket No. 02-21	MAR 26 2002
)		
Peninsula Communications, Inc.	)		FEDERAL COMMUNICATIONS COMMISSION
	)	File No. EB 01-IH-0609	OFFICE OF THE SECRETARY
Licensee of stations	)	FRN: 0001-5712-15	
KGTL, Homer, Alaska;	)	Facility ID Nos. 52152	
KXBA(FM), Nikiski, Alaska;	)	86717	
KWVV-FM, Homer, Alaska; and	)	52145	
KPEN-FM, Soldotna, Alaska.	)	52149	
)		
Licensee of FM translator stations)		
K292ED, Kachemak City, Alaska;	)	52150	
K285DU, Homer, Alaska;	)	52157	
K285EG and K272DG, Seward, Alaska	)	52158 and 52160	
)		
Licensee of FM translator stations)		
K285EF, Kenai, Alaska;	)	52161	
K283AB, Kenai/Soldotna, Alaska;	)	52155	
K257DB, Anchor Point, Alaska;	)	52162	
K265CK, Kachemak City, Alaska;	)	52154	
K272CN, Homer, Alaska; and	)	52148	
K274AB and K285AA, Kodiak, Alaska	)	52151 and 52164	

To: The Enforcement Bureau

Peninsula Communications, Inc.'s Request For Admission of Facts and Genuineness of Documents

Peninsula Communications, Inc. (hereafter "PCI"), by its undersigned counsel, and pursuant to the Presiding Officer's Order, FCC 02M-18 (released March 15, 2002) (hereafter the "Order") hereby commences discovery with the submission of the following requests for admissions of fact and the genuineness of documents to the Enforcement Bureau (hereafter the "Bureau") as the litigant representative of the Federal Communications Commission, Washington, D.C. PCI requests that within the period

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provided for in the Commission's rules, and the Presiding Officer's Order, the Bureau admit to the truth of the following facts and the genuineness of the attached documents, as set forth in the following numbered paragraphs. Each response should be labeled with the same number as the subject admission request and should be made under oath or affirmation of the person providing the response. In addition, the Bureau is reminded that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of a matter of which an admission is requested he shall specify so much of it as is true and deny only the remainder." 47 C.F.R. 1.246(b).

As noted herein, the "Bureau" or the "Commission" shall mean all employees of the Federal Communications Commission or other persons acting on their behalf. The term "PCI FM Translators" shall mean those translators for which licenses were issued by the Commission to PCI as follows: K285EF, Kenai, Alaska; K283AB, Kenai/Soldotna, Alaska; K257DB, Anchor Point, Alaska; K265CK, Kachemak City, Alaska; K272CN, Homer, Alaska; and K274AB and K285AA, Kodiak, Alaska

1. The Commission has not served PCI with the Forfeiture Order, FCC 02-31 (released February 6, 2002) and has no proof of the service of the Order.
2. The Commission has not served PCI's counsel of record with the Forfeiture Order, FCC 02-31 (released February 6, 2002) and has no proof of the service of the Order.
3. Roy Stewart has been the Chief of the Mass Media Bureau continuously since the date that PCI filed its applications to renew the above-captioned FM translator stations on November 24, 1995;

4. Linda Blair has been either the Acting Chief or the Chief of the Audio Services Division from the time PCI filed its applications to renew the above-captioned FM translator stations on November 24, 1995, until at least May 18, 2001, the release date of the Memorandum Opinion And Order and Order to Show Cause, FCC 01-159.
5. Alan J. Schneider was the Chief of the Auxiliary Services Branch, Audio Services Division, at the times the Commission issued the PCI FM Translator licenses.
6. Thomas English was the engineering supervisor in the Auxiliary Services Branch, Audio Services Division, at the times the PCI FM Translator licenses were issued by the Commission.
7. Since the Commission issued a license to PCI for the operation of KGTL(AM), Homer, Alaska, on January 26, 1981, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.
8. Since the Commission issued a license to PCI for the operation of KXBA(FM), Nikiski, Alaska, on August 29, 2000, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.

9. Since the Commission issued a license to PCI for the operation of KWVV-FM, Homer, Alaska, on March 5, 1980, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.
10. Since the Commission issued a license to PCI for the operation of KPEN-FM, Soldotna, Alaska, on March 25, 1985, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.
11. Since the Commission issued a license to PCI for the operation of FM translator K292ED, Kachemak City, Alaska, on September 2, 1987, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.
12. Since the Commission issued a license to PCI for the operation of FM translator K285DU, Homer, Alaska, on October 31, 1980, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the

station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.

13. Since the Commission issued a license to PCI for the operation of FM translator K285EG, Seward, Alaska, on February 1, 1993, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.
14. Since the Commission issued a license to PCI for the operation of K272DG, Seward, Alaska, on February 1, 1993, PCI has not received any formal notice from the Commission that the station has been operated in a manner inconsistent with the FCC's rules, regulations, policies, or the license for the station, and all license renewal applications filed by PCI in connection with the station have been approved by the Commission without any conditions.
15. The prior call sign for PCI's station KWVV-FM, Homer, Alaska, was "KGTL-FM".
16. Exhibit A hereto is a true copy of the FCC applications filed by PCI for a construction permit for the present operation of FM Translator K283AB, Soldotna, Alaska.
17. Exhibit B hereto is a true copy of the most recent construction permit issued by the Commission in approving the applications in item number 14 above.
18. Exhibit C hereto is a true copy of the FCC applications filed by PCI for the present operation of FM translator K257DB, Anchor Point-Seldovia, Alaska.

19. Exhibit D is a true copy of the FCC Form 350 license application filed by PCI to cover the present operation of FM translator K265CK, Kachemak City, Alaska.
20. Exhibit E is a true copy of the FCC application filed by PCI on April 9, 1986, seeking a construction permit for an FM translator on FM channel 272 at Homer, Alaska;
21. Exhibit F is an amendment to the application noted in item 18 above that was filed with the Commission on June 24, 1986, and which specifies the facilities for the present operation of FM translator K272CN, Homer, Alaska.
22. Exhibit G is a true copy of the FCC Form 349 application filed by PCI to seek a construction permit for the present operation of FM translator K285EF, Kenai, Alaska.
23. Exhibit H is a true copy of the construction permit issued by the Commission in approving the application described in item 20 above.
24. Exhibit I is a true copy of the FCC Form 347 license application filed by PCI, and approved by the Commission, in connection with its current operation of FM translator K272CN, Homer, Alaska.
25. Since the original enactment of the Communications Act of 1934, the Federal Communications Commission has never ordered a broadcast licensee to cease the operation of a broadcast station following the denial of a license renewal application for the station, but while an application for review of the denial was pending before the federal courts.
26. In the Commission's 1990 Report And Order in MM Docket 88-140, 5 FCC Rcd 7212, at footnote 59, paragraph two, the Commission provided that it was not its

intent that any decisions made in the Report and Order would alter in any fashion the special treatment that had been accorded in the past to FM translator licensees in Alaska, citing Wrangell Radio Group, 75 FCC 2d 404 (1980).

27. In subsequent orders in MM Docket 88-140, the Commission did not indicate that it was acting in any manner to overrule the intention expressed in the footnote 59, paragraph two, exception to its actions in the 1990 Report and Order.
28. FM translator K285DR, Tok, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
29. FM translator K296DI, Barrow, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
30. FM translator K201BI, Cordova, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
31. FM translator K203BY, Kuparuk, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
32. FM translator K215CY, Sitka, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.

33. FM translator K235AC, Sitka, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
34. FM translator K235AD, Wrangell, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent
35. FM translator K220CV, Wrangell, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
36. FM translator K279AF, Haines, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
37. FM translator K235AJ, Haines, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
38. FM translator K278AC, Kake, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
39. FM translator K280DX, Angoon, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.

40. FM translator K280ED, Hoonah, Alaska, was authorized and operates pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
41. FM translator K204CI, Wasilla, Alaska, was authorized to operate in 1995 pursuant to waivers of the Commission's FM translator rules granted under the Wrangell Radio Group, 75 FCC 2d 404 (1980) precedent.
42. Mr. Roy Stewart was the Chief, Mass Media Bureau, at the times the FM translators noted in items 25 through 38 above were authorized to operate and at the times the Commission approved their most recent license renewal applications.
43. Ms. Linda Blair was either the Acting Chief or Chief of the Audio Services Division at the times that the licenses for the FM translators noted in items 25 through 38 above were renewed by the Commission.
44. Exhibit J is a true copy of the Commission decision in In re Petition of Peninsula Communications, Inc., FCC 81-484 (released January 11, 1982).
45. The Commission was required to comply with the requirements of 47 U.S.C. 312 before revoking the licenses for PCI's FM Translator licenses.
46. The Commission failed to comply with the requirements of 47 U.S.C. 312 before revoking the licenses for PCI's FM Translator licenses.
47. The Commission was required to process the license renewal applications for the PCI FM Translators fully in accordance with the requirements of 47 U.S.C. 309.
48. The Commission failed to fully comply with the requirements of 47 U.S.C. 309 in the processing of the PCI FM Translator license renewal applications.

49. The Commission lacks the statutory authority to order a broadcast licensee to permanently cease operation without issuing either a cease and desist order and/or an order to show cause and giving the licensee an opportunity to object thereto.
50. In the Commission's Memorandum Opinion And Order, FCC 00-45 (released February 13, 2000), the Commission conditionally ordered its staff to "...rescind the November 6, 1997 and December 10, 1998 license renewal grants, cancel the relevant call signs, and terminate the translators' operating authority..." for the PCI FM Translators without ordering the staff to issue either a cease and desist order or an order to show cause, or designating the underlying license renewal applications for an administrative hearing.
51. The Commission has no separate authority to order a broadcast licensee to permanently cease operation except as is provided for in the Communications Act of 1934, as amended, 47 U.S.C. *et. seq.*
52. Exhibit K contains true copies of the FCC Form 372 notification post cards sent out by the Commission in response to the submission of the PCI FM Translator license renewal applications in 1995, and the cards specifically provide, *inter alia*, that "OPERATION BEYOND THE LICENSE EXPIRATION DATE IS AUTHOIRZED PENDING FINAL DETERMINATION ON YOUR APPLICATION."
53. On June 18, 2001, PCI filed a timely protest and opposition to the order to show cause contained in the Memorandum Opinion and Order and Order To Show Cause, FCC-01-159 (released May 18, 2001) and involving PCI's above-

captioned FM translator stations in Seward, Alaska, and there has been no final resolution on the show cause portion of that MO&O.

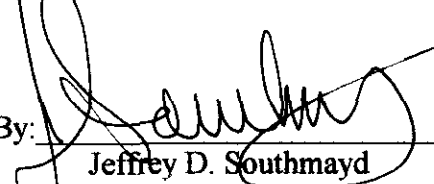
54. If the answer to 51, above, is in the affirmative, the Commission's actions in the noted MO&O remain nonfinal under the Commission's rules and policies, and the license renewal applications for the PCI FM Translators remain pending before the Commission.
55. In the Commission's Memorandum Opinion and Order and Order To Show Cause, FCC-01-159 (released May 18, 2001), the 1995 and 1997 license renewal applications for the PCI FM Translators were dismissed.
56. In the Commission's Memorandum Opinion and Order and Order To Show Cause, FCC-01-159 (released May 18, 2001), the call signs for the PCI FM Translators were deleted.
57. In the Commission's Memorandum Opinion and Order and Order To Show Cause, FCC-01-159 (released May 18, 2001), PCI was ordered to terminate its operation of the PCI FM Translators.
58. The Commission's actions in items 53, 54 and 55 resulted in the effective revocation of the PCI FM Translator licenses.
59. The Commission did not issue a cease and desist order or a show cause order to PCI before taking the actions noted in items 53, 54 and 55 above.
60. In the Commission's Memorandum Opinion And Order, FCC 00-45 (released February 13, 2000), the Commission ordered "... that the waivers of 47 C.F.R. section 74.1231(b) for K272DG and K285EG, Seward, Alaska, ARE TERMINATED 60 days from the released date of this order...", and did so

without first issuing a show cause order to PCI and without giving PCI an opportunity to protest these modifications in the licenses for the two Seward translators.

61. The Commission's action in ordering the termination of the section 74.1231(b) waivers described in item 60 above was the first time that the Commission ordered PCI to modify the operation of the two Seward translators by terminating the waivers of 47 C.F.R. 74.1231(b).

Respectfully submitted,

Peninsula Communications, Inc.

By: 
Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller
1220 19th Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100
jdsouthmayd@msn.com

Date: March 26, 2002

EXHIBIT A

SOUTHMAYD & POWELL
ATTORNEYS AT LAW
1764 CHURCH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 797-8822

April 14, 1982

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OFFICE OF THE
SECRETARY

Mr. William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20036

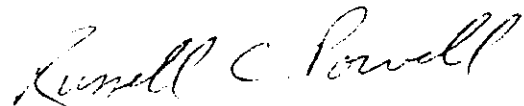
Dear Mr. Tricarico:

Transmitted herewith, in triplicate, on behalf of Peninsula Communications, Inc. is an FCC Form 346 construction permit application for a new FM translator to serve Kenai and Soldotna, Alaska. The proposed translator will operate with a transmitter output power of 100 watts and will rebroadcast the signal of commercial station KGTL(FM) Homer, Alaska on output channel 265 (100.9 MHz).

An appropriate showing of compliance with the requirements of Section 73.3580 of the Commission's Rules will be submitted in due course.

Please contact the undersigned should you have any questions concerning this matter.

Very truly yours,



Russell C. Powell

RCP/lam
Enclosure
cc: Ms. Selina Ayers
FCC Room 242

Section I

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSIONAPPLICATION FOR AUTHORITY TO CONSTRUCT
OR MAKE CHANGES IN A TV OR FM
BROADCAST TRANSLATOR STATION

Instructions

- A. This form is to be used in applying for authority to construct a new TV or FM Broadcast Translator Station, or to make changes in an existing TV or FM Broadcast Translator Station. This form consists of this part, Section I, and the following sections:

Section II. Legal, Financial Qualifications

Section III. Engineering Data

- B. Prepare three copies of this form and all exhibits. File all the above with the Federal Communications Commission, Washington, D. C. 20554.
- C. Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page 2 of this section. Date each exhibit.
- D. The name of the applicant stated herein shall be the exact corporate name, if a corporation; if a partnership, the names of all partners and the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his office, and the name of the association.
- E. Information called for by this application which is already on file with the Commission need not be refiled in this application provided: (1) the information is now on file in another application or FCC form filed by or on behalf of this applicant; (2) the information is identified fully by reference to the file number (if any), the FCC form number, and the filing date of the application or other form containing the information and the page or paragraph referred to; and (3) after making the reference the applicant states: "No change since date of filing". Any such reference will be considered to incorporate into this application all information, confidential or otherwise, contained in the application or other form referred to. The incorporated application or other form will be, after, in its entirety, be open to the public.
- F. This application shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer, if the applicant is a corporation; by a member who is an officer, if the applicant is an unincorporated association; by such duly elected or appointed officials as may be competent to do so under the laws of the applicable jurisdiction, if the applicant is an eligible government entity; or by the applicant's attorney in case of the applicant's physical disability or of his/her absence from the United States. The attorney shall, in the event he/she signs for the applicant, separately set forth the reason why the application is not signed by the applicant. In addition, if any matter is stated on the basis of the attorney's belief only (rather than knowledge), he/she shall separately set forth reasons for believing that such statements are true.
- G. Before filling out this application, the applicant should familiarize himself with the Communications Act of 1934, as amended, Parts 1, 2, 73, 74, and 17 of the Commission's Rules and Regulations.
- H. **BE SURE ALL NECESSARY INFORMATION IS FURNISHED AND ALL PARAGRAPHS ARE FULLY ANSWERED. IF ANY PORTIONS OF THE APPLICATION ARE NOT APPLICABLE, SPECIFICALLY SO STATE. DEFECTIVE OR INCOMPLETE APPLICATIONS MAY BE RETURNED WITHOUT CONSIDERATION.**

File No.

1. Name of applicant (See Instruction D)

PENINSULA COMMUNICATIONS, INC.

P. O. BOX 103

Street Address

MILE 1.8 DIAMOND RIDGE ROAD

City

HOMER

State

ALASKA

ZIP Code

99603

Telephone (include Area Code)

(907) 235-7551 or 235-7651

2. Name and address of person to whom communications should be sent, if different from item 1

Name

Street Address

City

State

ZIP Code

Telephone (include Area Code)

3. Purpose of application (check one)

☒ Construct a new station☐ Modify an existing authorization

4. If authority to make changes in an existing station is required

a. Present facilities

Specify transmitter output power, and your call sign

Principal Community or Communities served
City State

b. If this application is for changes in an existing authorization, complete Section I of this form and any of the paragraphs necessary to show all substantial changes in information filed with the Commission in prior applications or reports. In the spaces below check Paragraphs submitted herewith and as to Paragraphs not submitted herewith refer to the prior application containing the requested information in accordance with Instruction E.

Paragraph No.

Reference (File or Form No. and Date)

☐ 1 through 14
of Section II☐ 1 through 12
of Section III5.(a) Is applicant the licensee of primary station? **EXHIBIT #1**☒ YES☐ NO**KGTL-FM**

5.(b) If answer to 5.(a) is No, has written authority been obtained from the licensee of the station whose programs are to be retransmitted?

☐ YES☐ NO

6. Station Identification

Indicate how station identification will be made:

☐ FSK☐ Amplitude Modulation of
FM Aural Carrier☒ By Primary Station ☐ Not Required

(August 1978 edition may still be used.)

FCC Form 346
February 1980

THE APPLICANT hereby claims an claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934).

THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

THE APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signed and dated this 30 day of March, 1982.

PENINSULA COMMUNICATIONS, INC.

(Name of Applicant)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT, U. S. CODE, TITLE 18, SECTION 1001.

By David F. Becker
DAVID F. BECKER (Signature)

Title President

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended.

The principal purpose(s) for which the information will be used is to determine if the benefit requested is consistent with the public interest.

The staff, consisting variously of attorneys, accountants, engineers, and application examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing.

If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U. S. C. 552a(e)(3)

EXHIBITS furnished as required by this form:

Exhibit No.	Part No. of Form	Name of Officer or Employee (1) by whom or (2) under whose direction exhibit was prepared (show which)	Official Title
1	SEC. I	David F. Becker (2)	President & Chief Engineer Peninsula Communications, Inc. KCNL / KGTL-FM
2 - 8	SEC II & III	David F. Becker (1)	

LEGAL QUALIFICATIONS

INSTRUCTIONS: As used in Paragraphs 1 through 9, inclusive, of this Part, the words "principal party to this application" have the following meanings, respectively: In case of an *individual applicant*, the applicant. In case of a *partnership applicant*, all partners, including limited and silent partners. In case of a *corporate applicant*, all officers and directors. In case of any other applicant, all executive officers and members of the governing board.

If the applicant is now a licensee of an existing Standard, FM, Television, or International broadcast station, Paragraphs 4 through 8 need not be completed.

1. Applicant is (check one): An individual ☐ , a general partnership ☐ , a limited partnership ☐ , a corporation ☒ ,
an unincorporated association ☐ , governmental entity ☐ , other (specify) ☐ .

2. If applicant is not an individual, give the State, District, Territory or Possession under the laws of which it is organized.

STATE OF ALASKA

3. a. Complete Table I on page 3 of Section II

- b. Does applicant or any principal party (officer or director) to this application have now, or has applicant or any such party had, any interest in, or connection with, any standard, FM, television, television translator, or FM translator station? ☒ YES ☐ NO

If the answer is "Yes", show particulars in Exhibit No. **2**

- c. Does applicant or any officer or director thereof now have any interest in or connection with a cable television system (CATV)? ☐ YES ☒ NO

If the answer is "Yes", set forth particulars in Exhibit No.

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

(See instructions above)

1. If applicant is an individual, is the applicant a citizen of the United States, or, if applicant is not an individual, are all principal parties to this application citizens of the United States? ☒ YES ☐ NO

If the answer is "No", state the name and citizenship of each person who is not a citizen of the United States.

2. a. Is applicant or any principal party (officer or director) to this application a representative of an alien or of a foreign government? ☐ YES ☒ NO

- b. If the answer to the foregoing is "Yes", submit as Exhibit No.

a full disclosure concerning the persons involved.

3. a. Has applicant or any principal party to this application had a station license revoked by order or decree of any Federal court? ☐ YES ☒ NO

- b. Has the applicant or any principal party to this application been found guilty by a Federal court of the violation of the laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade? ☐ YES ☒ NO

- c. Has the applicant or any principal party to this application been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize radio communications, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition? (See Section 313 of the Communications Act of 1934) ☐ YES ☒ NO

- d. Has the applicant or any principal party to this application been found guilty by any court of any felony, or of the violation of any state, territorial or local law relating to unlawful lotteries, restraints and monopolies and combinations, contracts or agreements in restraint of trade, or of using unfair methods of competition? ☐ YES ☒ NO

- e. Is there now pending in any court or administrative body against the applicant or any principal party to this application any action involving any of the matters referred to in Paragraphs 3(a), (b), (c) and (d) above? ☐ YES ☒ NO

- f. Have voluntary proceedings in bankruptcy been instituted by, or have involuntary proceedings in bankruptcy ever been brought against applicant or any principal party to this application? ☐ YES ☒ NO

- g. Are there outstanding any unsatisfied judgments or decrees against applicant or any principal party to this application? ☐ YES ☒ NO

- h. If the answer to any of the foregoing parts of this paragraph is "Yes", submit as Exhibit No.

a full disclosure concerning

the persons and matters involved, identifying the court and the proceeding (by date and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, and the disposition of the matter.

Section II, Page 2

7. Is applicant corporation, directly or indirectly, controlled by another corporation or legal entity? ☐ YES ☒ NO
If the answer is "Yes", state below the name of such other corporation or legal entity, and state how such control, if any, exists and the extent thereof.

8. Is the corporation or legal entity named in Paragraph 7 in turn a subsidiary? ☐ YES ☒ NO
If the answer is "Yes", submit the information in Table I, Page 3, Section II for each company to and including the organization having final control.

9. Will the applicant have and maintain absolute legal control of the station, its equipment, and operation? If No, explain. ☒ YES ☐ NO

10. Environmental statement, See Part I, Subpart I of the rules.

Would a Commission grant of your application be a major action as defined by Section 1.1305 of the Commission's rules?

YES ☐ If yes, submit as Exhibit No. the required statement in accordance with Section 1.1311 of the rules.

NO ☒ If no, explain briefly.

The proposed FM antenna supporting structure does not exceed 300 ft. in height, nor does it qualify under any classes of construction listed in FCC R & R Sec. 1.1305

FINANCIAL QUALIFICATIONS

11. If contemplated expenditures are more than \$500.00, attach as Exhibit No. 3A a detailed showing as to how the cost of construction and operation will be financed.

12. If contemplated expenditures are more than \$500.00, give estimated initial costs of making installation for which application is made. The cost shown must be the costs in place and ready for service.

see Exhibit 3B

a. Estimated Cost of Construction

\$9,259.50

b. Estimated Cost of Operation for First Year

12 x 75.00/mo. = \$900.00/ year
(land lease plus utilities)

13. If contemplated expenditures are more than \$500.00, attach as Exhibit No. 4 a detailed balance sheet or financial statement as at the end of a month within 90 days of the date of the application, showing the applicant's assets (including pledges, if any), current and long term liabilities, and net worth.

14. If this application is for a new VHF television, or FM translator, have any funds, legal or engineering services or anything else of value been furnished, directly or indirectly, by the licensee or permittee of any television or FM broadcast station or any person associated with such station? ☒ YES ☐ NO

If the answer is "Yes", attach an explanation as Exhibit No. see below, identifying the source and nature of the financial support or assistance.

Applicant is owner and operator of KGTL-FM, Homer, Alaska and has furnished all funds, legal and engineering services to prepare this application.

TABLE I

If applicant is an individual, complete columns (a) and (b) stating (a) applicant's name and residence (home) address or addresses, and (b) applicant's individual interest. If applicant is a partnership, complete columns (a) and (b) stating as to each general or limited partner (including silent partners) (a) name and residence (home) address or addresses, and (b) nature of partnership interest (i.e., general or limited). If applicant is a corporation or unincorporated association, complete columns (a) and (b) giving the information requested as to all officers and directors, or other members of the governing board.

NAME AND RESIDENCE (home) ADDRESS(es)
(a)

OFFICE HELD
(b)

David F. Becker

President

Eileen L. Becker

Member, Board of Directors

Mark J. Goodwin

Vice-President

Joyce M. Goodwin

Secretary/Treasurer

All the above reside at: KCNL / KGTL-FM Radio
Mile 1.8 Diamond Ridge Road
P. O. BOX 103
Homer, Alaska 99603

a. Output Channel No. 265 Frequency: 100.9 MHz	Transmitter Output Power 100.0 watts see Exhibit #5	Proposed Principal Community or Communities to be served: City: 1) Kenai 2) Soldotna State: Alaska Estimated total population to be served: 8000	Primary Station (station to be rebroadcast) Call KGTL-FM Channel No. 278 City: Homer State: Alaska Frequency: 103.5 MHz
b. Input Channel No. 278 Frequency: 103.5 MHz	If station is to operate via another translator station, indicate call sign and location of final intermediate translator: None		

City	Soldotna	County	Kenai Peninsula Borough	State	Alaska
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North Latitude	West Longitude
0 1 "	0 1 "
60 29 51	151 09 01

2. Location of all known radio stations (except amateur), such as AM, FM, TV, Translator, Police, Fire, Aeronautical, Public Utility, and all known commercial or government receiving sites, within the immediate vicinity of the proposed transmitter location.

Make	Type No.	Rated output power (watts) P
TEPCO CORP.	ROBERT A. JONES J-317	10 watts
McMARTIN INDUSTRIES	MODEL B9100 AMPLIFIER	100 watts

Model BELDON	Type No. RG-11/U	Length 15 ft.	Rated efficiency E for length given (decimal fraction) 0.92
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Make SCALA ELECTRONIC CORP.		Type No. <u>1/</u> FMO - 4	Description <u>1/</u> 4 BAYS Crossed-dipole antenna	Power gain G (multiplier) in lobe of maximum radiation relative to a half-wave dipole 2.0 (3 dB)
Orientation <u>2/</u> Omnidirectional	Height above ground <u>3/</u> 117 ft.	Elevation of Site <u>4/</u> 105 ft.	Elevation of Community <u>5/</u> 1) 85 ft. 2) 105 ft.	Effective radiated power R (R = F x E x G) 184 watts

- ICC Form 246 (Rev. 7-80)
FD-302a (Rev. 1-80)

6. Attach as Exhibit No. 7 a vertical plan sketch for the proposed total structure(s) including supporting structure(s), giving height of center of radiation above ground, overall height of structure above ground, including lighting beacon (if any) and height above mean sea level in feet for all significant features for BOTH RECEIVING AND TRANSMITTING ANTENNAS. Also indicate any horizontal separation between receiving transmitting antennas.

7. Will the proposed antenna supporting structure be shared with another station or stations of any class? ☐ YES ☒ NO
If the answer is "Yes", list the call signs and class of such stations.

8. If this application is for modification of an existing station, has current information been filed with the primary station as to your call sign, exact location of your station, and the name, address, and telephone number of the person to be contacted in an emergency to suspend operation of the translator? ☐ YES ☐ NO
If "No", explain in Exhibit No.

Does not Apply

9. Attach as Exhibit No. N/A a polar diagram of the radiation pattern (relative field) of the transmitting antenna, showing clearly the correct relationship between the major lobe or lobes and the minor lobes of radiation. If a non-directive transmitting antenna will be employed, i.e., an antenna with an approximately circular radiation pattern, check this ☒ and omit the polar diagram.

10. Are there any terrain features between the proposed transmitting site and the community to be served which would interfere with line-of-sight transmission to any part of the principal community? ☐ YES ☒ NO
If the answer is "Yes", attach as Exhibit No. a description of the extent of the area affected.

11. a. List all co-channel and first adjacent channel translator stations existing or authorized within 15 miles of proposed site:

None

b. If this application is for a UHF TV translator, does the proposed transmitter location meet the mileage separation requirements of Section 74.702 of the Rules? ☐ YES ☐ NO

N/A

Attach as Exhibit No. a list of assignments and channel allocations considered.

c. If the answer to 11.b above is "No", attach an explanation as Exhibit No.

N/A

12. Has FAA been notified of proposed construction? ☐ YES ☒ NO
If yes, give date and office where notice was filed. (Not necessary to file FCC Form 714, See Part I of the rules.) Not Required
(Antenna height less than 200 ft. per Sec. 77.13(1) FAA R & R)

13. Unattended operation:

a. Is unattended operation proposed? ☒ YES ☐ NO
If the answer is "Yes", and this application is for authority to construct a new station or to make changes in the facilities of an authorized station which proposes unattended operation for the first time, attach Exhibit No. 8, containing a full description of the means of compliance with the several requirements of Section 74.734 (TV Translators) or Section 74.1234 (FM Translators) of the Rules concerning unattended operation.

b. In space below state name, address and telephone number of a person or persons who may be contacted in an emergency to suspend operation of the translator should such action be deemed necessary by the Commission:

Name(s) David F. Becker First Class License PL-23-2389 MSEE
BSEE

Address (street or other description)

P.O. Box 103 Mile 1.8 Diamond Ridge Road

City & State

Homer, Alaska

ZIP Code

99603

Telephone number(s) (include area code)

(907) 235-7551 or 235-7651

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Date March 23, 1982

Signature

David F. Becker

(check appropriate box below)

Telephone (907) 235-7551
(include area code)

☒ Technical Director

☒ Chief Operator

☐ Registered Professional Engineer

☐ Other (Specify)

☐ Consulting Engineer

EXHIBIT #1

Peninsula Communications, Inc. hereby requests a waiver of Section 74.1232(d) of the Commission's Rules to permit the rebroadcast of KGTL-FM's signal outside of its 1mV/m field strength contour and within the 1mV/m contour of KQOK(FM) in Kenai, Alaska.

Peninsula feels that a waiver is merited in its case because the Kenai and Soldotna areas are greatly underserved, especially in terms of the programming that KGTL offers, beautiful music. There is no FM station in Soldotna and the only FM in Kenai (KQOK) has a country and western format.

The scarcity of signals is not one that can be easily or soon remedied. The Commission has long recognized that Alaska suffers from inadequate communications service due to its tremendous geographical area, rough terrain and dispersed population and the fact that much of the broadcast spectrum has been preempted for military use. Because of these circumstances and the resultant lack of over-the-air broadcast signals, it has granted numerous waivers of the translator rules to allow service to Alaska communities by satellite-fed T.V. translators.

See, e.g., Report No. 11887 (October 23, 1973) and Wrangell Radio Group, 75 FCC 2d 404, 46 RR 2d 1329 (1979). Even though Peninsula's waiver request concerns radio rather than television, there exists a similar scarcity of radio signals and programming and thus a similar entitlement to relief. A grant of the waiver Peninsula seeks will be wholly consistent with what has become known as the "Alaska Exception".



CONTINENTAL RADIO

AM 62

• 5,000 WATTS

• 620 khz

FCC FORM 346
2 March, 1982

EXHIBIT #2

David F. Becker is President and Chief Engineer of Peninsula Communications, Inc., owner and operator of KCWL (AM), and KGTL-FM, Homer, Alaska and FM translator station K272AT serving Homer. Mr. Becker also serves as a member of the Board of Directors for Alaska Village Missions, Inc., a non-profit religious organization which owns the following FM translators:

K285AM - Homer, Alaska

K296BU - Anchor Point, Alaska

K265AU - Stariski Creek, Alaska

K285BB - Clam Gulch, Alaska

K296BU - Kenai-Soldotna, Alaska

Mr. Becker has no legal or financial interest in Alaska Village Missions, Inc.'s FM Translator stations, and serves on the Board of Directors in an advisory capacity only. All work performed for Alaska Village Missions, Inc. has been on a donated basis.

ALASKA FM RADIO

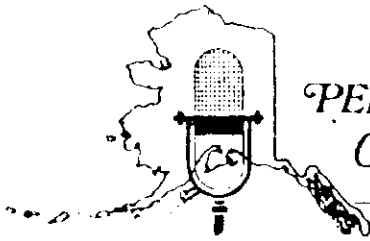
STEREO

• 100,000 WATTS

• 103.5 mhz



KGTL
Beautiful Music



PENINSULA
COMMUNICATIONS, INC.

EXHIBIT 3A

ESTIMATED CONSTRUCTION COST: \$9,259.50

LETTER OF CREDIT

RE: PENINSULA COMMUNICATIONS, INC.

KCNL / KGTL-FM RADIO

P. O. BOX 103

HOMER, ALASKA 99603

TO WHOM IT MAY CONCERN:

I hereby establish a letter of credit for one year for the account of Peninsula Communications, Inc. in connection with the FM Translator station application tendered before the Federal Communications Commission in the amount of ten thousand and no/100 (\$10,000.00) U. S. Currency, available upon their demand and their execution of a second Deed of Trust in my favor covering real property described as follows: Lots 7 & 8, Block 4, Lofty Estates Subdivision, (location of KCNL / KGTL-FM Radio). The loan upon which this letter of credit is predicated will be made at 1% per month (12% annual) interest rate, to be repaid over a 5 year term in monthly installments. This letter carries no interest or charge until the request for funds is fulfilled.

Sincerely,

David F. Becker

David F. Becker

P.O. Box 103

Homer, Alaska 99603